

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PEGGY J. MORRISON,	:	CIVIL ACTION NO. 1:07-CV-1912
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MICHAEL J. ASTRUE,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 21st day of July 2008, upon consideration of the report of the magistrate judge (Doc. 11), to which objections were filed (see Doc. 13), recommending that plaintiff's social security appeal be denied, and, following an independent review of the record, it appearing that substantial evidence¹ supports the administrative law judge's ("ALJ") decision that plaintiff's impairments neither met nor equaled the listing of impairments required to be considered disabled *per se*, see 20 C.F.R., pt. 404, subpt. P, app. 1, that the ALJ properly accorded weight to Dr. Moore's opinion, see Plummer v. Apfel, 186 F.3d 422, 429 (3d Cir. 1999) (stating that "an ALJ may reject a treating physician's opinion . . . on the basis of contradictory medical evidence" or upon a finding that the opinion is unsupported by medical evidence), and that the ALJ did not err in finding portions of the plaintiff's testimony not credible, see Blue Ridge Erectors v. Occupational Safety &

¹ When reviewing the denial of disability benefits, the court must determine whether the denial is supported by substantial evidence. See Brown v. Bowen, 845 F.2d 1211, 1213 (3d Cir. 1988).

Health Review Comm’n, 261 F. App’x 408, 410 (3d Cir. 2008) (quoting St. George Warehouse, Inc. v. NLRB, 420 F.3d 294, 298 (3d Cir. 2005), which provides that “[t]he ALJ’s credibility determinations should not be reversed unless inherently incredible or patently unreasonable”), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 11) is ADOPTED.
2. Plaintiff’s appeal from the decision of the Commissioner of Social Security (Doc. 1) is DENIED.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge